

**FILED**

**OCT 04 2013**

**New Jersey State Board of  
Massage and Bodywork  
Therapy Examiners**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE  
APPLICATION OF

LU, XIAOHUI

TO PRACTICE MASSAGE ANDDD  
BODYWORK THERAPY IN THE  
STATE OF NEW JERSEY

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FINAL ORDER OF  
DENIAL OF CERTIFICATION/  
LICENSURE

This matter was opened to the Massage, Bodywork and Somatic Therapy Examining Committee (the Committee) upon receipt of information which the Board of Massage and Bodywork Therapy<sup>1</sup> (The Board) has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Lu Xiaohui submitted an application for certification to the Committee dated August 19, 2012.

2. Ms. Xiaohui checked "no" in response to the questions

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<sup>1</sup> The Board replaced the Committee on September 4, 2012, pursuant to P.L. 2007, c. 377, "The Massage and Bodywork Therapy Licensing Act."

on the application about prior arrests.

3. The results of the criminal history background check indicated that Ms. Xiaohui had been charged with prostitution in New York in 2010. Ms. Xiaohui was convicted of disorderly conduct based upon a guilty plea, and conditionally discharged. The matter was dismissed in 2012 and the records were sealed.

#### CONCLUSIONS OF LAW

1. Ms. Xiaohui's failure to reply accurately to the questions on the application relating to prior arrests, when she knew or should have known that she had been arrested for an offense relativizing adversely to the practice of massage and bodywork therapy, constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on July 26, 2013, provisionally denying Ms. Xiaohui's application for licensure. A copy of the Order was forwarded to Ms. Xiaohui by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Ms. Xiaohui requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or

dismissed and submitting any and all documents or other written evidence supporting Ms. Xiaohui's request for consideration and reasons therefor.

The record reflects that the certified and regular mailings of the Provisional Order were returned, marked "not deliverable as addressed," "unable to forward," although they were sent to the applicant's address of record with the Board. The Board therefore finds that the applicant was effectively served. The Board further determined that additional proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 4<sup>th</sup> DAY of October, 2013,

ORDERED that:

1. Ms. Xiaohui's application for certification as a Massage, Bodywork and Somatic Therapist in New Jersey, deemed as of September 4, 2012 to constitute an application for licensure, is hereby denied.

NEW JERSEY STATE BOARD OF  
MASSAGE AND BODYWORK THERAPY

By:



Deborah Overholt  
Chairperson